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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,783	08/15/2003	Lynn W. D'Amico	F-388-O1	1782
919 7590 01/10/2008 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER ERB, NATHAN	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,783

Applicant(s)

D'AMICO ET AL.

Examiner

Nathan Erb

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 7-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20030815</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 7-9, 13, and 16 are objected to because of the following informalities:
 - a. In the last line of claim 7, please replace the word "indicia" with --indicium--.
 - b. In the fifth line of claim 8, please replace the word "Vault" with --vault--.
 - c. In the fifth line of claim 9, please replace the phrase "transaction data capture" with --transaction-data-capture--.
 - d. In the eighth line of claim 9, please replace the phrase "transaction data capture" with --transaction-data-capture--.
 - e. In the second line of claim 13, please replace the phrase "application specific" with --application-specific--.
 - f. In claim 16, please remove the extra period at the end of the claim.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claim 1**, the claim contains an action that is to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular

condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "if the data collection segregation rules are not current."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Reisinger et al., U.S. Patent No. 6,148,292.

As per **Claim 1**, Reisinger et al. discloses:

- a method for collecting usage data for a meter (column 6, line 5, through column 7, line 43);
- determining whether data collection segregation rules are current (column 6, line 5, through column 7, line 43; for example, whether a new carrier is in use);
- processing an update of the data collection segregation rules if the data collection segregation rules are not current (column 6, line 5, through column 7, line 43; "new statistics instruction data").

As per **Claim 2**, Reisinger et al. further discloses determining a meter segment type; and determining whether the data collection segregation rules are current using the meter segment

type (column 6, line 5, through column 7, line 43; what carrier is to be used in future mailings can define a meter segment type; new segregation rules may be downloaded for a new carrier).

As per **Claim 3**, Reisinger et al. further discloses wherein the meter segment type is dynamically determined by using meter data (column 6, line 5, through column 7, line 43; new carrier rules are downloaded when it is dynamically determined that they are needed).

As per **Claim 5**, Reisinger et al. further discloses wherein the meter data is stored at a central server (column 6, line 5, through column 7, line 43; central server is carrier's data center).

As per **Claim 6**, Reisinger et al. further discloses wherein: the meter includes an active data collection segregation rules storage system for storing the data collection segregation rules; the meter includes a future data collection segregation rules storage system for storing future data collection segregation rules; and the update of the data collection segregation rules is performed by replacing the data collection segregation rules with the future data collection segregation rules (column 6, line 5, through column 7, line 43; column 7, line 44, through column 8, line 40; meter is triggered to obtain new segregation data when a new carrier is used; therefore, old carrier data must be stored since the use of an old carrier in and of itself does not trigger the downloading of segregation data; rules may be downloaded for future use; rules are updateable).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al.

As per **Claim 4**, Reisinger et al. fails to disclose wherein the meter data comprises the average number of mail pieces processed per day by the meter. However, that element/limitation was well-known to one of ordinary skill in the art at the time of applicants' invention (average mailpieces processed per day was a well-known indicator of whether a mailer was high-volume). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Reisinger et al. such that the meter data comprises the average number of mail pieces processed per day by the meter, as was well-known to one of ordinary skill in the art at the time of applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicants' invention that high-volume mailers may have different needs than low-volume mailers.

As per **Claim 7**, Reisinger et al. further discloses wherein: the data collection segregation rules are used for printing data capture information in a meter indicia (column 11, lines 20-40; column 27, line 66, through column 28, line 9; postmark may contain date; date may also be a statistic to be gathered). Reisinger et al. fails to disclose wherein computer instructions comprise a text string. However, that element/limitation was well-known to one of ordinary skill in the art at the time of applicants' invention (for example, HTML has text commands). It would

have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Reisinger et al. such that computer instructions comprise a text string, as was well-known to one of ordinary skill in the art at the time of applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicants' invention that text commands are easier for programmers to work with than binary code.

Allowable Subject Matter

8. Claims 8-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

Application/Control Number:
10/604,783
Art Unit: 3628

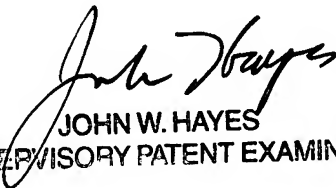
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb
Examiner
Art Unit 3628

nhe


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER